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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,449	07/25/2006	Willem Auke Westerhof	NL040093US1	1223
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EXAMINER DENTER, CLARK F				
ART UNIT		PAPER NUMBER		
3724				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,449

Applicant(s)

WESTERHOF ET AL.

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-14,16,17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-14,16,17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The after-final amendment filed on August 24, 2010 has been entered. New grounds of rejection have been made which were necessitated due to applicant's adoption of the language suggested by the Examiner to obviate the rejections under 35 USC 112, 2nd paragraph. Therefore, in order to make the proper '112 rejections, the finality of the previous Office action has been **withdrawn**.

Claim Rejections - 35 USC § 112, 2nd paragraph

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3-8, 11, 13, 14, 16 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, the recitation "the razor apparatus comprising" is inaccurate and should read --the blade assembly comprising--.

In claim 13, line 2, the recitation "the razor apparatus comprising" is inaccurate and should read --the blade assembly comprising--.

In claim 19, line 1, the recitation "The safety razor apparatus" lacks antecedent basis and should read --The blade assembly--.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 1, 3-9, 11-14, 16, 17 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Aviza, PG Publication 2005/0126007.

Aviza discloses a razor apparatus/assembly in various forms with almost every structural limitation of the claimed invention including a grip portion connected to a blade assembly, the details of are described in the previous Office action.

Aviza lacks the specific structure of the adjustable guiding member including: “wherein the adjustable guiding member includes first, second, third and fourth inclined surfaces, the first and second inclined surfaces being joined and separated by a

fifth surface that for a portion is substantially parallel to the one plane, the third and fourth inclined surfaces being joined and separated by a sixth surface that for a portion is substantially parallel to the one plane, the first and third surfaces are a first pair of mutually opposing inclined surfaces, the second and fourth surfaces are a second pair of mutually opposing inclined surfaces, and

wherein a lateral displacement of the first opposing and second inclined surfaces in a direction parallel to said plane moves the third and forth inclined surfaces in the direction perpendicular to said plane."

That is, Aviza discloses, teaches and/or suggests various structures for raising and lowering the guiding member including a screw but lacks the specific claimed structure which amounts to an incline plane configuration. However, the Examiner takes Official notice that such adjustment configurations are old and well known in mechanical engineering/product manufacturing arts and one having ordinary skill in the razor art would certainly be familiar with the application of such incline plane configurations and the benefits thereof. It is noted that Aviza discloses an incline plane of sorts in the form of screw threads, and thus only lacks the particular linear type of incline plane. Various examples are present in various arts that include slide levers/buttons that are used to move a cooperating structural element (e.g., sliding a lever horizontally moves a cooperating structural element vertically). It is widely known that the benefit of such an inclined plane structure is that it facilitates quick adjustment, although it may not have the range of a screw configuration. Therefore, it would have been obvious to one having

ordinary skill in the art to provide such an equivalent adjustment structure on the apparatus of Aviza to gain the well known benefits including that described above.

Further regarding claims 5, 11 and 12, Aviza discloses a razor apparatus/assembly with almost every structural limitation of the claimed invention **but lacks** the adjustable guiding member being adjustable in the claimed manner including above the plane as follows:

[claim 5] wherein the top surface of said adjustable guiding member is adjustable between and including a lowermost position, where the top surface of the adjustable guiding member is in said plane and an uppermost position, wherein said some distance where the top surface of the adjustable guiding member is above said plane;

[claim 11] wherein the at least one guiding member is adjustable to an uppermost position where the top surface of the at least one guiding member is disposed at a distance of greater than 2 mm above said plane and is adjustable to a lowermost position where the top surface of the at least one guiding member is in said plane;

[claim 12] wherein the position of the at least one of the two guiding members is adjustable to an uppermost position where said top surface is disposed at a distance of greater than 2 mm above said plane and is adjustable to a lowermost position where the top surface of the at least one of the two guiding members is in said plane.

However, it is old and well known in the art to provide such an adjustment range of such an adjustable member for various well known benefits including obtaining desired shaving characteristics. Therefore, it would have been obvious to one having

ordinary skill in the art to provide such an adjustment range for the adjustable member of Aviza to gain the well known benefits including that described above.

Further regarding claims 13, 14 and 17, Aviza discloses a razor apparatus/assembly in various forms with almost every structural limitation of the claimed invention including a blade assembly as described in detail above and further including:

[claim 14] wherein the adjustable guiding member is a lubricating member (e.g., see paragraph 0104) and wherein the other of the two guiding members is a skin stretching member (e.g., the corresponding structure of Aviza is fully capable of performing such a function to at least some extent),

[claim 17] wherein the at least one of the two guiding members is a lubricating member (e.g., see paragraph 0104) and wherein the other of the two guiding members is a skin stretching member (e.g., the corresponding structure of Aviza is fully capable of performing such a function to at least some extent), and wherein the at least one of the two guiding members is positioned to contact a portion of skin after the one or more blades.

Aviza lacks:

wherein the adjustable guiding member is positioned to contact a portion of skin after the one or more blades.

However, it is old and well known in the art to provide such lubricating (such as component 24 of Aviza) behind of the blade(s) for various well known benefits including obtaining desired shaving characteristics. Aviza discloses such lubricating structure in

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such a position in other embodiments, namely those of Figures 7 and 11. Therefore, it would have been obvious to one having ordinary skill in the art to provide the combination of the skin stretching member in front of the blade(s) and the lubricating member behind the blade(s) to gain the well known benefits including that described above.

Further, in the alternative, if it is argued that Aviza lacks an explicit disclosure that the other guiding member is a skin stretching member, it is old and well known in the art to provide such skin stretching members in front of the blade(s) for various well known benefits including obtaining desired shaving characteristics. Aviza discloses a skin stretching member in such a position in other embodiments, namely those of Figures 2, 5, 6 and 8. Therefore, it would have been obvious to one having ordinary skill in the art to provide the combination of the skin stretching member in front of the blade(s) and the lubricating member behind the blade(s) to gain the well known benefits including that described above.

Response to Arguments

6. Applicant's arguments filed August 24, 2010 have been fully considered but they are not persuasive. It is respectfully submitted that the Examiner believes that all claim limitations have been fairly and clearly addressed and that the prior art teaches and/or fairly suggests the claimed invention. Thus, for at least these reasons, it is respectfully submitted that the prior art rejections must be maintained.

Applicant is urged to contact the Examiner to discuss language to obviate the prior art rejections.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
October 25, 2010